

**Minutes of the Carlisle Board of Health
September 20, 2011**

Present: Board Members Jeff Brem (Chair), Bill Risso, Cathy Galligan; Donna Margolies; absent Mark Caddell; also present: Linda Fantasia (Agent), Rob Frado (TCG), Ann Marie Brako (Mosquito); Chris Hart, Richard Harrington, John Luther, Mark Lamere, John Bakewell.

The meeting was called to order at 7:28 pm.

389 River Road – septic modification to accommodate guest house. Present for the discussion was Richard Harrington of SMI, Chris Hart, builder and John Luther, Building Commissioner.

Harrington explained that the existing structure was built as a garage with the original house. It was later modified into a studio with a bathroom. A three bedroom septic system was installed in 1998 for this purpose. The owners now wish to add a fourth bedroom. The dwelling will be used for visitors. In order to increase system capacity another trench will be added and a reserve trench relocated. The distribution box will be replaced and additional breakout grading installed to comply with Title 5. The plan does not require any waivers.

The design was reviewed by Frado who asked for clarification on the garbage grinder allowance and location of the well. Harrington explained that the plan is designed with a garbage grinder allowance but has a “No Garbage Grinder” note. When the original three bedroom system was installed the regulations required the allowance along with two tanks or dual compartment tank. The note was inadvertently kept on the plan. Frado also questioned whether a four bedroom dwelling was intended as a guest house, apartment or studio. There is already a single family residence on the lot. Hart said the application is to change the existing studio/loft to a four bedroom guest house. The Board asked if there was a determination from the Zoning Board of Appeals on this use. Hart said there was no need to go to the Zoning Board. The Building Commissioner determined that it was an allowed use. Luther concurred. Galligan asked what was there now. Hart responded that there are three bedrooms and a studio below. Luther said it was not now technically a guest house. Galligan referred to the Board of Health minutes of 1998 when the septic was approved. The Board had approved a three bedroom septic system to support a studio/ loft and one bedroom. The actual proposal is to change from a one bedroom structure to a four bedroom structure. Hart agreed to correct the form.

Brem asked Luther if the four bedroom house could be a residence. Luther said the lot, even though it is 12 acres, does not have frontage for two residences. Luther said there are similar situations in town where a second structure is used for employees. These structures have full kitchens and separate septic systems. Luther questioned why a guest house should be treated differently. Hart said zoning does not allow renting of a second unit. This dwelling will be used by family members or other guests on a temporary basis. Brem said that sporadic use could harm the system. Without regular flows the biomat may not form. He suggested installing speed levelers in the distribution box to equalize flows to the leaching area. The Board considered requiring more pump outs, but agreed that this might decrease nutrients that the field needs. To the Board’s question of tying into the other system, Harrington said this was not possible due to site constraints. The Board then discussed installation of a water meter to determine flows. Risso agreed that minimal flows will restrict growth of the biomat. He was not convinced levelers were necessary.

Galligan asked if abutters were notified. Luther said that there is a home owner’s association but it only involves maintenance of the common driveway. There was no need to notify abutters. Luther said the guest house could have a kitchen based on other uses in town. He further stated that the Zoning policy on this issue was incorrect and could be challenged. Case law does not support the policy. Galligan thought the proposed renovation was a change in use. Luther said it was allowed by right. Brem felt strongly that levelers and a vent should be added to the design. They can be shown on the as-built drawing. Hart said they want to get started right away. The system needs to be done before the November 30th shut down. Galligan said she would like to have a written definition of a guest house before voting. Brem and Risso agreed this was not the purview of the Board of Health. Risso added that the Building Commissioner had already stated that it was not a guest house and could have a kitchen. Galligan would add that the proposed design and use meet all other state and local conditions. There was no further discussion. The chairman called for a vote.

It was moved (Risso) and seconded (Margolies) to approve the plan entitled Sewage Disposal Plan, 389 River Road, Map 1, Parcel 7A, prepared by Stamski & McNary Inc., dated June 17, 1997, revised August 24, 2011 (Add Bedroom)” conditional upon installing speed levelers in the distribution box and venting the leaching area as field changes to be noted on the as-built plan and correcting the application from an existing one bedroom with studio and no kitchen to a four bedroom with kitchen dwelling. There was no additional discussion. Motion passed 4-0-0.

PLANNING BOARD DRAFT NOISE POLICY – present for the discussion was Mark Lamere representing the Planning Board and John Bakewell of Rutland Street.

Lamere explained that the Planning Board has drafted a Noise Control Policy to deal with construction noise issues related to developments under its Subdivision or Special Permit Regulations. The goal is to address potential noise issues before they become problems by identifying mitigation measures in a Construction Management Plan (CMP). This does not diminish the Board of Health’s statutory authority to deal with noise as a nuisance. The issue of construction noise arose as a result of complaints about the repeated use of a hoe ram at Chestnut Estates last summer. The Planning Board did not feel there was an overwhelming need to address this issue with a Noise Bylaw. Planning Board regulations do not require as formal an adoption process as the Subdivision Control Law. Brem and Galligan had submitted individual comments to the Planning Board. Lamere agreed to forward the Board’s comments to the Planning Board for their next meeting.

Brem questioned whether the CMP had the authority of a regulation. It is referred to as Attachment D which could make it less enforceable. There was no Attachment D provided in the Planning Board memo so the Board was unclear as to its authority. Galligan agreed that a policy can be hard to enforce. Lamere said the CMP is part of all of the Planning Board regulations. Galligan felt the proposed policy was well thought out and emphasized communication between parties. She asked how the Planning Board would ensure that the parties were acting in accordance with the agreement. Lamere said every project has a Construction Manager whose job it is to make sure work is done according to the plans and permit conditions. As such the CMP is enforceable. Brem remained concerned about a situation wherein the parties did not agree on noise mitigation measures. Under what authority could the Planning Board impose conditions? There is no enforcement under a policy. Bakewell suggested there should be an authority to take legitimate action.

Risso asked what would happen if a permit changes hands. The new owner may not be aware of the conditions. In answer to the Board’s question, Lamere said the conditions do not attach to the deed. Frado said all Board of Health conditions are listed as notes on the plan. This works well with contractors in the field. Risso said that documents are rarely kept in the field. Lamere said the Planning Board does not require conditions to be shown on the plan and may want to look into this.

Brem said he would like to look at Attachment D to see if it included enforcement. Galligan thought Section G could use more definition. People have different opinions on what might be an acceptable deviation. Brem said the word “promptly” is open to interpretation and should be defined. He also felt that Section C-3 could use clarification as to its goal. Lamere explained that one of the mitigating measures would be to blast which requires drilling. Galligan in her comments to the Planning Board was concerned about C-4, 5 recommending that large rocks be processed offsite. This could result in a nuisance activity being relocated to a different neighborhood. This should receive careful consideration if proposed.

Brem said the goal of the policy was good but was limited as a policy. If the parties reach an impasse the Board of Health may have to take enforcement actions. The town would always prefer to avoid litigation. Brem also suggested that the Planning Board take into account whether specific regulations exacerbate construction impacts unnecessarily. An example would be reducing road cuts where appropriate rather than strict enforcement of a regulation. Brem suggested that the Planning Board might benefit from revisiting long standing regulations to see if newer technology has replaced the need for some of the requirements.

Lamere summarized the points to bring back to the Planning Board: the Town and the Planning Board are concerned about noise; the focus of the proposed policy is to avoid rock crushing which is more problematic; it is better to watch for problems in the review process before they occur in the field; the Planning Board should relook

whether this should be a policy or a regulation; they should also consider what happens at transfer of ownership and consider putting conditions as notes on the construction plans.

The Board thanked Lamere and Bakewell for their input. Galligan will try to attend the Planning Board meeting.

MINUTES – not yet distributed.

BILLS – It was moved (Risso) and seconded (Galligan) to approve the bills which include salaries and reimbursement for unspent grant funding. Motion passed 4-0-1

ADMINISTRATIVE REPORTS continued:

Open Meeting Law – Town Counsel gave training for town hall staff. Meetings cannot be posted without an agenda.

MHOA Conference – Fantasia pointed out that she has not attended this state wide conference for two years. The grant money provided by Region 4A was used to pay for a trial period for Blackboard Connect. The system is going into its third year and has been very successful. The Board's share was \$1500. Fantasia would like to attend the conference this year. Board members and staff are also welcome. The Board has \$2000 in 4A training funding that it can use.

It was moved (Galligan) and seconded (Risso) that up to \$2000 in grant funding should be used by Board members and staff to attend the MHOA Conference in October. Motion passed 4-0-0.

Foundations for Local Public Health – Margolies and Fantasia are taking the course. It is one of the credentials that Board members and staff should have.

MAVEN (MA Virtual Epidemiologic Network) – This is an electronic communicable disease reporting system that all communities are required to as of 7/8/11. Carlisle joined in 2010

Hurricane Irene Debriefing – the Local Emergency Planning Committee (LEPC) held a debriefing on storm activities. Sporadic power outages were a problem in town. The Transfer Station was without power but did not close. This was a public health risk. Dave Flannery arranged for a portable generator to empty the trash containers. An emergency plan needs to be prepared for DPW. The town would like to focus on shelter activities. The school will have its generator shortly. Carlisle's MRC has trained shelter volunteers but could use better organizing. Carlisle now has group homes that might need a shelter. It is not necessary to call in Red Cross if the town can manage the shelter. Shelters can be private or public. The Board would like to sponsor an emergency planning night to help residents prepare. Westford has a 72-hour kit on display. Carlisle is procuring 72-hour kits through Region 4A and will be looking for locations and opportunities to display the kits. The Carlisle Library might be a good venue.

FY11 Year End Summary - the Board wants to add a column showing the total revenue from grants and fees used to supplement the operating budget.

Geothermal Wells – DEP has a new electronic filing process for open and closed loop wells. Closed loops wells can still use the one page paper application. Galligan offered to summarize the steps. When a property changes hands the UIC Registration should be changed. This will be difficult to monitor.

Drug Take Back Program – scheduled for 10/29/11 from 10-2 at town hall. Galligan had found out about this program last year, which is sponsored by the Federal Drug Enforcement Agency (DEA). Due to the overwhelming response to the first two collections in September 2010 and April 2011, a third collection is being sponsored and the Board of Health and Carlisle Police are working together on Carlisle's collection.

193 Cross Street – the Board signed the Deed Restriction voted at the last meeting.

Technical Consulting Group – the Board signed the one year contract which did not include a fee increase.

Blackboard Connect Training – 10/5/11 for secondary users.

NEW BUSINESS

Carlisle School Building Project – Risso informed the Board that a sewer line exiting from the Brick Building had to be capped and the new line is not in because of work on the fire cistern. A semi-above ground tight tank was installed to accommodate the sinks in the Art Rooms. Water to the toilet was shut off so only grey water is entering the tanks. They will be pumped when the portable toilets are pumped, usually once a week. The contractor filled out an application for the tight tank. This will be a temporary measure to accommodate art classrooms

It was moved (Galligan) and seconded (Margolies) to issue a permit to allow the use of a temporary tight tank for grey water from the Brick Building (Art Room) while the septic line is being installed for a period not to exceed 180 days. Motion passed 3-0-1 (Risso abstained since he is a member of the SBC).

Administrative Assistant – Risso and Fantasia met with the Personnel Board to recommend Bobby Lyman to the position. Lyman was appointed a temporary replacement in December. The vacancy was posted at town hall. The Personnel Board felt that an internal posting is for the benefit of current employees which Lyman was not in December. To avoid any misunderstanding, the Personnel Board asked that the notice be published in the Mosquito. Brem asked Galligan and Risso to review any resumes received. The Board will then need to return to the Personnel Board in October with a recommendation. Galligan questioned how the wage chart was set up. She felt the pay rate should be based on the job description not a resume.

Employee Evaluations and Board reorganization – Brem asked to have both on the next agenda. The Town has not been doing employee evaluations for the past few years.

There was no further business discussed. Meeting voted to adjourn at 9:25 pm.

Respectfully submitted,

Linda M. Fantasia
Recorder